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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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FITZPATRICK CELLA  
HARPER & SCINTO  
277 PARK AVENUE  
NEW YORK NY 10172

26M2/1113

EXAMINER

EXAMINER	REG. NO.:
ART UNIT	PAPER NUMBER

2605

DATE MAILED: 11/13/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.

**Part II SUMMARY OF ACTION**

1.  Claims 1-10 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1-10 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sells et al. in view of Yoshida (5,307, 179) and Abe et al.

Sells et al. in col. 4, lines 12-27 and col. 6, lines 43-49 clearly disclose a communication apparatus which detects a telephone number (caller id) and selects a communication mode, (e.g., fax application program, voice application program or data mode application program, ect.), based upon the type of incoming call. Each mode is designated as a separate modem in figure 4. Sells does not explicitly teach a hardware implementation of the modems, nor is there an explicit teaching of a separate modem for protocol and data.

Yoshida teaches a facsimile apparatus where the protocol modem (modulator 8 and demodulator 20) and the data modem (modulator 16 and demodulator 24) are physically separate. (Figure 1A).

Art Unit: 2605

Abe et al. teaches a communication apparatus comprising means for detecting an extension telephone number and selects the proper modem, from a plurality of modems 511-51n for the desired operation mode. (Col. 3, lines 36-59 and figure 5). Abe does not specifically disclose that a telephone number is sent between call signals.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sells such that the individual modems are implemented in hardware form because this type of substitution is functionally equivalent. It would have been further obvious to a person of ordinary skill in the art at the time the invention was made to modify Sells such that the data and protocol modulation/demodulation are performed by physically separate modems because of the ability to upgrade the system when either a new protocol or data modulation standard is introduced.

3. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sells et al. in view of Yoshida and Abe et al.

The particular type of protocol used is merely a matter of design choice and an obvious modification to the apparatus of Sells et al. or Yoshida or Abe et al. since it would be advantageous to have the device operate in accordance with the standards set by CITT.

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication should be directed to Stephen Palan at telephone number (703) 305-3965.

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
GROUP 2600

swp

  
November 6, 1996